

Senate Bill 11

By: Senators Golden of the 8th, Stoner of the 6th, Meyer von Bremen of the 12th and Jones of the 10th

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 33-9-40.2 of the Official Code of Georgia Annotated, relating to workers' compensation insurance premium discount for insured with drug-free workplace program, so as to remove the existing eight-year limitation on the application of the discount; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 33-9-40.2 of the Official Code of Georgia Annotated, relating to workers' compensation insurance premium discount for insured with drug-free workplace program, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

"(b)(1) The premium discount provided by this Code section shall be applied to an insured's policy of workers' compensation insurance pro rata as of the date the insured receives certification by the State Board of Workers' Compensation and shall continue for a period not to exceed eight years as long as the insured maintains the certification as having a drug-free workplace; provided, however, an insurer shall not be required to credit the actual amount of the premium discount to the account of the insured until the final premium audit under such policy. Certification by an insured shall be required for each of the eight years year in which such premium discount is granted. Thereafter, any premium discount pursuant to this article shall be determined from the insured's experience rating plan or in the case of an insured not rated upon experience, as provided in paragraph (2) of this subsection.

(2) With respect to an insured which is not rated upon experience, any premium discount given an insured pursuant to this article after ~~the initial eight-year period provided in paragraph (1) of this subsection~~ ceasing to qualify as a certified drug-free workplace shall

1 be determined by the Commissioner based upon data received from the rating and  
2 statistical organization designated by the Commissioner pursuant to this chapter."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.